

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

RICKY UNDERHILL,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:13-cv-1457-TWP-DML
)	
LARRY STORMS, et al.,)	
)	
Defendants.)	

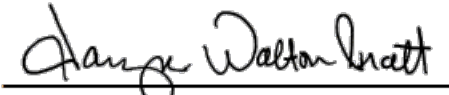
E N T R Y

This matter is before the Court on Plaintiff Ricky Underhill’s (“Mr. Underhill”) Motion for Preliminary Injunction. (DKt. 37). In his motion, Mr. Underhill seeks an order enjoining defendant Jennifer Gibson from opening his legal mail. ““To prevail on a motion for a preliminary injunction, the moving party must demonstrate (1) a likelihood of success on the merits; (2) a lack of an adequate remedy at law; and (3) an irreparable harm will result if the injunction is not granted.”” *Woods v. Buss*, 496 F.3d 620, 622 (7th Cir. 2007) (quoting *Foodcomm Int’l. v. Barry*, 328 F.3d 300, 303 (7th Cir. 2003) (citations omitted). Mr. Underhill has not demonstrated those elements here. Specifically, Mr. Underhill has not shown a likelihood of success on the merits or that irreparable harm will result if an injunction is not granted. While it is undisputed that on one occasion Ms. Gibson did open mail to Mr. Underhill from Colleen Tennery, a lawyer, she did so only after attempting to identify Ms. Tennery as a lawyer. Thereafter, Ms. Gibson received an Entry from Magistrate Judge Dinsmore as well as instruction from Mike Smith to treat all mail from Ms. Tennery as legal mail. Ms. Gibson has done so since receiving that directive. In other words, there is no reason to find at this time that Ms. Gibson will open legal mail from Ms. Tennery

to Mr. Underhill in the future. Accordingly, injunctive relief is not warranted here and Mr. Underhill's motion for a preliminary injunction (Dkt. 37) is therefore **DENIED**.

SO ORDERED.

Date: 9/25/2014

A handwritten signature in black ink, reading "Tanya Walton Pratt", written over a horizontal line.

Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

RICKY UNDERHILL
DOC 953146
NEW CASTLE - CF
NEW CASTLE CORRECTIONAL FACILITY - Inmate Mail/Parcels
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All Electronically Registered Counsel